

REMARKS

Claims 2-22 are pending in this application. Of these, claims 2-5 and 13-20 have been withdrawn from consideration. The Examiner has rejected claims 6-12, 21 and 22. The Examiner has rejected claims 6-12, 21 and 22 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

First, the Examiner indicated that the instrumentation cover is not installed in bone. Amendment has been proffered to claim 21 to avoid this rejection. Rejections of claims 6-12 and 22 on this ground, which are all dependent on claim 21, should also be withdrawn.

Second, the Examiner rejected claim 22 for the language that makes it possible to use one medically safe material in combination with others, and the lack of trademark symbols. Amendments have been proffered to claim 22 to avoid this rejection.

The Examiner has rejected claims 6-12 and 21 under 35 U.S.C. §102(b) as being anticipated by McIntyre (U.S. 3,746,066).

Claim 21 clearly recites that the invention is a bone instrumentation cover or shield capable of being permanently installed over the instrumentation during bone repair or reconstruction surgical procedure. The structure in McIntyre is a bag for carrying, typically shaped as a traveler's satchel or lady's handbag..." (Abstract). A carrying bag can not be considered being capable of being installed during bone repair surgical procedure. The rejections of claim 21 and all claims depending thereupon (claims 6-21) should be withdrawn.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over McIntyre. In formulating the rejection, the Examiner relied on McIntyre to teach all of the

limitations of the independent claim 21 and considered the choice of the cap/casing material obvious. As argued with respect to the 102(b) rejection of claim 21, McIntyre fails to teach the cited limitations and the rejection should be withdrawn.

It is submitted that all the claims that are under consideration are now allowable and notification to this effect is respectfully requested.

Sep 18, 2007
Date

Respectfully Submitted



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A CLEAN COPY OF THE CLAIMS AS AMENDED

Claim 6. A bone instrumentation cover or shield according to claim 21, further comprising sutures provided in the fastener portion, wherein the fastener portion includes the sutures for attachment to adjacent parts of the instrumentation or to adjacent bone areas or tissues.

Claim 7. A bone instrumentation cover or shield according to claim 21, wherein the fastener portion includes a lower frame of the cap or casing provided with an open, box-like aperture for the placement over the instrumentation.

Claim 8. A bone instrumentation cover or shield according to claim 21, wherein the cap or casing is a pliable or flexible pouch.

Claim 9. A bone instrumentation cover or shield according to claim 8, wherein the fastener portion of said pliable or flexible pouch comprises one or more drawstrings for cinching the lower edge of the pouch opening around the projecting parts of the instrumentation mounted into or fastened to the bone.

Claim 10. A bone instrumentation cover or shield according to claim 21, wherein the cap or casing is a pliable or flexible sheath.

Claim 11. A bone instrumentation cover or shield according to claim 10, wherein the fastener portion comprises a lower cinch ring provided with openings therein and a number of suture strings for threading through said cinch ring for tightening the cap vertically down to the cinch ring over the instrumentation.

Claim 12. A bone instrumentation cover or shield according to claim 11, wherein the lower cinch ring is a tubular form having one or more drawstrings therein for tightening the cover or shield circumferentially (horizontally) around the instrumentation.

Claim 21. A bone instrumentation cover or shield installed in bone during bone repair or reconstruction surgical procedure comprising:

a hollow cap or casing pouch adapted for permanent installation or for removal in a subsequent surgical procedure and which is dimensioned to be placed over and to encapsulate the projecting parts of the instrumentation which has been installed in the bone, and

a fastener portion provided at a lower edge of the cap or casing pouch for securing said cap or casing to adjacent bone areas or tissue or to parts of the instrumentation where the instrumentation has been installed in the bone, wherein said hollow cap or casing pouch provides a mechanical barrier for preventing ingrowth of bone or fibrous tissue into the interstices of the instrumentation.